

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

PILGRIM COMMUNITY CHURCH, INC., SPA 81-A-002-05 Appl. under Sect(s). 3-103 of the Zoning Ordinance to amend SP 81-A-002 previously approved for a church to permit site modifications (additional parking). Located at 4925 Twinbrook Rd. on approx. 5.15 ac. of land zoned R-1. Braddock District. Tax Map 69-3 ((1)) 29 and 29A. (Admin. moved from 2/16/11 and 3/16/11 at appl. req.) (Decision deferred from 5/11/11) Mr. Byers moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on July 13, 2011, and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The present zoning is R-1.
3. The area of the lot is 5.16 (sic) acres.
4. Staff's recommendation of approval is supported.
5. The rationale of staff is supported.
6. It is noted that it has been the Board's thinking that it would like to have on-site parking for churches.
7. There is a safety issue with regard to the road.
8. The applicant is commended on this, based on what was read and the additional information. The applicant has done a very good job from the standpoint of actually making solid recommendations from the standpoint of mitigating any concerns that the community might have.
9. The applicant has done a good job from the standpoint of the application.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant only, Pilgrim Community Church, Inc., and is not transferable without further action of this Board, and is for the location indicated on the application, 4925 Twinbrook Road (5.16 acres) and is not transferable to other land.
2. This special permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit amendment (SPA) plat prepared by Harold A. Logan Associates P.C., dated July 7, 2010, as revised through March 14, 2011, and approved with this application, as qualified by these development conditions.

3. A copy of this special permit and the Non-Residential Use Permit (Non-RUP) SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This special permit is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special permit shall be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
5. There shall be a maximum of 352 seats in the sanctuary of the church.
6. Parking shall be provided as depicted on the SPA Plat. All parking for this use shall be on site. The proposed 48-inch high block/stone wall shown on the plat shall be constructed of decorative solid block/stone material (not cinderblock).
7. Notwithstanding what is shown on the plat, interior parking lot landscaping shall be provided in accordance with Article 13 of the Zoning Ordinance, as determined in consultation with the Urban Forest Management Division (UFMD) staff.
8. Peripheral parking lot landscaping shall be provided in accordance with Article 13 of the Zoning Ordinance and shall be supplemented as shown on the SPA Plat. All landscape trees shall be a minimum of six feet in height, at time of planting, and planted per the Fairfax County Public Facilities Manual in consultation with the Urban Forest Management Division.
9. Transitional screening and barriers shall be provided and maintained in conformance with Article 13 of the Zoning Ordinance. Existing vegetation may be used to partially satisfy this requirement, however, notwithstanding what is shown on the plat, supplementation shall be provided along the northwestern and southwestern lot lines to the satisfaction of Urban Forest Management Division (UFMD), DPWES to provide TS 1.
  - a. Any transitional screening trees that have died shall be replaced to satisfy the transitional screening requirements.
  - b. All evergreen trees shall be a minimum of six feet in height, at time of planting, and planted per the Fairfax County Public Facilities Manual.
10. The proposed play area shall be screened by a 4-foot high board-on-board fence as depicted on the SPA Plat. Evergreen trees, a minimum of six feet in height at time of planting, shall be planted around the play area to provide screening from the adjacent residential properties. Number, species and location shall be determined in consultation with the Urban Forester.
11. Internal floor layout shall continue to locate classrooms along the northern and southern ends of the building to provide a separation between the fellowship area and the adjacent properties. Double layers of drywall shall be maintained to provide additional thickness to interior walls.

12. Irrespective of that shown on the plat, a five-foot wide sidewalk connecting the existing buildings to the proposed parking lot shall be constructed prior to Site Plan approval.
13. Proposed lighting within the new parking lot area shall be bollard-style lighting fixtures at a maximum height of four feet, measured from the ground to the highest point of the fixture. Any light poles existing on the site shall be a maximum height of 12.0 feet and shall be in accordance with the performance standards for outdoor lighting contained in Part 9 of Article 14 of the Zoning Ordinance.
14. The limits of clearing and grading shall be no greater than as shown on the special permit amendment Plat, labeled Limits of Clearing and Grading, and shall be strictly adhered to. A grading plan which establishes the limits of clearing and grading necessary to construct the improvements shall be submitted to the DPWES, including the Urban Forestry Division, for review and approval. Irrespective of the limits shown on the special permit plat, the extent of clearing and grading shall be the minimum amount feasible as determined by DPWES. Prior to any land disturbing activities, a pre-construction conference shall be held between DPWES, including the Urban Forestry Division, and representatives of the applicant to include the construction site superintendent responsible for the on-site construction. In no event shall any area on the site be left denuded for a period longer than 14 days except for that portion of the site in which work will be continuous beyond 14 days.
15. The applicant shall submit a Tree Preservation Plan as part of the first and all subsequent Site Plan submissions or grading plan submissions, whichever occurs first. This plan shall designate the limits of clearing and grading as determined in the previous development condition and require that the areas outside of the limits of clearing and grading be preserved and labeled as "tree save". This plan shall be prepared by a professional with experience in the preparation of tree preservation, such as a certified arborist or landscape architect, and shall be subject to the review and approval of the UFMD, DPWES. The tree preservation plan shall be prepared in conformance with the requirements of the Public Facilities Manual (PFM) and shall be submitted for review by UFMD. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.
16. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four- (4) foot high, fourteen (14) gauge welded wire attached to six -(6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart. Tree protection fencing shall be erected along the limits of clearing and grading wherever construction activities are proposed adjacent to areas to remain undisturbed. Super silt fence may be approved by UFMD to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees. All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved.

17. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFMD, DPWES.
18. A Stormwater Management (SWM) facility, for detention and water quality control, shall be provided as shown on the SPA Plat that include the use of innovative BMPs, including infiltration trenches, rain gardens, or other environmentally sensitive measures, in accordance with the requirements of the Public Facilities Manual unless waived or modified by DPWES. Innovative BMP facilities shall be subject to a private maintenance agreement acceptable to DPWES. If a modification of the PFM to permit the proposed stormwater management/best management practices as shown on the SPA Plat is not granted by DPWES and SWM/BMP facilities in substantial conformance with the SPA Plat cannot be provided, then a special permit amendment (SPA) shall be filed to provide water quantity and quality control measures in accordance with the PFM as determined by DPWES.
19. Adequate outfall for the entire extent of review of the downstream drainage system shall be demonstrated in accordance with the Public Facilities Manual (PFM), as determined by DPWES, at the time of Site Plan review.
20. Any sign on site is permitted only with an approved sign permit in accordance with the provisions of Article 12 of the Zoning Ordinance. No new signs on site shall be lit.
21. A community liaison shall be appointed and made available by the applicant to receive neighborhood complaints regarding the use of the church site. The name and contact information of the liaison shall be posted on the main entrance doors of the two church buildings.
22. Music practices shall be limited to Sunday and Wednesday only and shall conclude by 9:00 p.m.
23. All activities on site shall cease by 10:00 p.m. daily and all interior and exterior lighting shall be turned off by 10:30 p.m. with the use of automatic timers, except overnight security lights in accordance with Zoning Ordinance requirements. Activities for special occasions shall cease by 11:00 p.m. and lighting turned off by 11:30 p.m. Special occasions shall be limited to ten evenings per year, including New Year's Eve service. The New Year's Eve service shall conclude by 1:00 a.m. and lights turned off by 1:30 a.m.
24. Air conditioning units shall be turned off by 10:30 p.m., except for on special occasions that coincide with the lighting development condition, limited to three times per year.
25. Sound proofing materials shall be installed around the HVAC System to reduce the noise of the air conditioning equipment. The existing block wall at the southern end of the air conditioning equipment shall be extended to a height not to exceed 15 feet for the purpose of screening the unit from sight. If no trees have been planted, landscape planting at a minimum

of six feet in height, at time of planting, shall be planted on the southern side of the wall to screen it from view. Plant material and species shall be approved by the Urban Forest Management Division.

26. Automatic door closures shall be installed on all exterior doors. Signs instructing parishioners and guest to keep the doors closed while music is playing shall be posted on the inside and outside of all exterior doors.
27. Notwithstanding what is shown on the plat, a bollard-style gate shall be installed at the site's entrance from Twinbrook Road in consultation with and as approved by the Fire Marshal. The purpose of the gate is to prohibit after hours loitering on the site. A Rapid Entry Box shall be provided at the gate that contains the keys to unlock the gate for emergency personnel and the gate must open the full width of the drive aisle. The gate shall be closed and locked no later than 10:45 p.m. and remain locked until 5:45 a.m. daily, except those hours may be extended for special occasions that coincide with the lighting development condition that are limited to three times per year.
28. The applicant shall replace the existing exterior surface on the south side of the building with brick veneer.

These conditions incorporate and supersede all previous conditions. This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Ms. Gibb seconded the motion, which carried by a vote of 6-0. Chairman Ribble was absent from the meeting.